234

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Austria, Belgium*, Denmark*, Finland, France, Germany, Ireland*, Italy, Netherlands, Norway*, Portugal* and Spain*: draft resolution

Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Noting also its resolution 1993/61 of 10 March 1993,

Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and People's Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7), the Special Rapporteur on torture (E/CN.4/1994/31) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Add.1),

Concerned about the persistent seriousness of the situation of human rights in Zaire and, in particular, about the use of force during peaceful gatherings, arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, serious shortcomings in the administration of justice, which is unable to function independently, violations of freedom of opinion and expression and forced population displacements,

Seriously concerned in this connection by the reports of the humanitarian inter-agency evaluation mission and of various non-governmental organizations concerning forced displacements of more than 750,000 persons belonging to ethnic minorities, especially in the provinces of Shaba and northern Kivu, as well as the heavy loss of human life and numerous other violations of human rights accompanying such displacements,

Reiterating its loathing of all forms of racial or ethnic discrimination,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups,

Re-emphasizing the need to put an end to the impunity of persons responsible for human rights violations,

Concerned about the serious obstacles which still stand in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms,

1. Deplores the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and incommunicado detention, inhuman and degrading prison conditions, especially in the detention centres administered by the army, enforced disappearances, summary and arbitrary executions of persons who have exercised their right to freedom of opinion and expression, and denial of the right to a fair trial;

2. Notes with indignation that the army and the security services have used force against unarmed civilians;

3. Calls for the cessation of intimidation measures and reprisals against prominent political figures;

4. Condemns the practice of forced population displacements, particularly in northern Kivu and Shaba, for which the authorities bear primary responsibility;

5. Condemns all discriminatory measures affecting persons belonging to minority groups;

6. Calls for full observance of the right to freedom of opinion and expression and freedom of association, assembly and peaceful demonstration;

7. Recommends that the thematic rapporteurs and working groups of the Commission should continue to keep a close watch on the situation of human rights in Zaire, and inter alia consider the possibility of visiting the country;

8. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Zairian authorities and invite them to provide specific information on its implementation;

(b) To report to the Commission, at its fifty-first session, on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations;

9. Decides to consider the question again at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".